CONFLICT OF DIVORCE LAWS. — In the case of *In re Stull's Estate*, 39 Alt. Rep. 16, recently decided by the Supreme Court of Pennsylvania, a man was divorced for adultery in Pennsylvania, where a statute forbade his marrying the paramour while his former wife lived. To evade this statute, the parties went to Maryland, and there contracted a marriage valid by the laws of that State; and they then returned to Pennsylvania. On the husband's death, the widow demanded administration of his estate, but the court refused her application. In deciding thus, the court must have taken one of three positions.

In the first place, they may have recognized the marriage as valid in both Pennsylvania and Maryland, but refused to give the widow the benefit of the inheritance laws because of the way the marriage was contracted. This would seem an untenable view, for the statute declares without qualification that wives are entitled to letters of administration. Nor does this seem to be the real ground of the court.

Secondly, the court may have held the parties married in Maryland, but not in Pennsylvania. This would seem to require something in the nature of a divorce to occur when the parties crossed the border. But a statute expressly declaring that such marriages shall become void when the parties enter the State would be necessary to give the return this effect; and the statute in question merely forbids such marriages.

The last position is the one on which the court probably relied; namely, that from the standpoint of a Pennsylvania tribunal there was no marriage in either State. To support this, they say, first, that the marriage was contrary to the statute. The statute, however, is in terms a mere command not to marry, and it seems unreasonable to imply an incapacity to do an act from the fact that it is forbidden. Secondly, they rely on fraud of the statute. But fraud, though punishable, cannot prevent the fact of marriage occurring, nor ought the court on such a ground to disregard a status actually created. Finally, they say that some marriages are so offensive to the community that the court will be justified in refusing to recognize them. As authority, they mention cases of incestuous marriages. But as no civilized State allows these, a refusal to recognize them can lead to no conflict. They also rely on the cases where courts acting under a statute have refused to recognize marriages between near relations, or between whites and negroes. These cases, are, perhaps, unwarranted exceptions to the general rule that marriages recognized valid by the country where solemnized must be recognized everywhere. But they rest, at all events, on the ground that the statute binds the courts to consider these marriages as contrary to the law of nature, wherever solemnized. It seems impossible, however, to say that a marriage such as took place in this case was contrary to the law of nature. To set up the sense of propriety of the community as the standard of validity for foreign marriages, is a long step beyond even these authorities, and would seem to lead to a very undesirable conflict of marriage laws.

IMPLIED WARRANTY IN SALES OF FOOD. — The American law on this subject is clearly brought out by two recent decisions. In the first, *Hanson* v. *Hartse*, 73 N. W. Rep. 163 (Minn.), it was held that when a diseased steer was sold to a retail butcher, who relied on personal examination, there was no implied warranty that the animal was fit for food. In the other, *Wiedeman* v. *Kelly*, 49 N. E. Rep. 210 (Ill.), it was held that when